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DA File Number: 08H03355  
Attorney for People

**FILED**  
**YOLO SUPERIOR COURT**

MAR 03 2010  
By [Signature]  
Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF YOLO

THE PEOPLE OF THE STATE OF  
CALIFORNIA,

Plaintiff,

vs.

MARCO ANTONIO TOPETE,

Defendant(s)

Dept. 6 Case No. 08-3355

PEOPLE'S RESPONSE TO  
DEFENDANT'S NOTICED MOTION TO  
EXCLUDE DEFENDANT'S POST ARREST  
STATEMENTS

DATE: March 12, 2010

TIME: 8:30 a.m.

DEPT: 6

To the Honorable Paul K. Richardson, the defendant, and his  
counsel of record, Mr. Hayes Gable and Mr. Tom Purtell:

The People hereby notice all of the above that the People  
do not intend to use Mr. Topete's post arrest statements of June  
16th, 2008 in their case-in-chief in this case, and ask the  
court to drop the motion to exclude as moot at this time. It is  
our position therefore that submission of videotapes of said  
interview and transcripts of said interview to the court is not

1 necessary prior to March 12th, unless the court orders that be  
2 done.

3 **Declaration of Garrett Hamilton**

4 I, Garrett Hamilton, am one of the prosecutors assigned to  
5 prosecute the above entitled case. I appreciate the court and  
6 counsel's consideration in giving me the extra time requested to  
7 work on this response.

8 We have decided not to use this particular piece of  
9 evidence in our case in chief, and therefore ask the court to  
10 drop the motion as moot. In the event the court does drop the  
11 motion, I do not know what other business can be accomplished on  
12 March 12th, but still have that entire day set aside to work on  
13 the case if the court directs. I am open to the court sending  
14 out an order to the parties in the meantime directing that other  
15 case business be accomplished that day.

16 I declare under penalty of perjury that the foregoing is  
17 correct.

18 Executed on March 3, 2010, at Woodland, California.

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21 GARRETT HAMILTON  
22 Supervising Deputy District Attorney  
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SUPERIOR COURT NO. 08-3355

PROOF OF SERVICE

I, WENDY WILCOX, declare that I am a resident of the County of Yolo; I am over the age of eighteen years and not a party to the within entitled action; my business address is 301 Second Street, Woodland, California 95695.

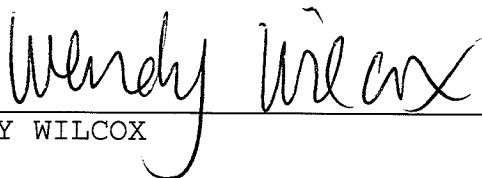
On March 3, 2010, I served the within PEOPLE'S RESPONSE TO DEFENDANT'S NOTICED MOTION TO EXCLUDE DEFENDANT'S POST ARREST STATEMENTS on counsel for defendant in this action, by placing a true copy thereof enclosed in a sealed envelope and deposited the same at the Yolo County Mail Room for posting this business day, in the United States mail at Woodland, California, addressed to the counsel of record in this action, as follows:

THOMAS PURTELL  
ATTORNEY AT LAW  
430 3RD STREET  
WOODLAND, CA 95695

HAYES GABLE  
ATTORNEY AT LAW  
428 J ST., STE. 354  
SACRAMENTO, CA 95814

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 3, 2010, at Woodland, California

  
WENDY WILCOX